



FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF GENERAL COUNSEL

Memorandum

TO: Director, Reference Information Center
Chief, Wireless Telecommunications Bureau

FROM: *DM* Daniel M. Armstrong
Associate General Counsel

SUBJECT: *Eldorado Communications, LLC and NY Telecom, LLC v. FCC*, No. 04-1067 and
Eldorado Communications, LLC and NY Telecom, LLC v. FCC & USA, No. 04-
1068. Filing of a Notice of Appeal and a Petition for Review in the United States
Court of Appeals for the District of Columbia Circuit.

DATE: March 3, 2004

This is to advise you that, on February 23, 2004, Eldorado Communications, LLC and NY Telecom, LLC filed a Notice of Appeal and a Petition for Review in the U.S. Court of Appeals for the D.C. Circuit, pursuant to 47 U.S.C. §§ 402(b) and (a), of the following order:
Applications for Consent to the Assignment of Licenses Pursuant to Section 310(d) of the Communications Act from NextWave Personal Communications, Inc., Debtor-in-Possession, and NextWave Power Partners, Inc., Debtor-in-Possession, to subsidiaries of Cingular Wireless LLC, Memorandum Opinion and Order, WT Docket No. 03-217, FCC 04-26 (rel. Feb. 12, 2004).

Appellants/Petitioners challenge the Commission's decision to waive the "unjust enrichment" rules and allow NextWave to transfer Personal Communications Services (PCS) licenses to Cingular Wireless without paying all of the interest it owes.

The Court has docketed these cases as Nos. 04-1067 and 04-1068. The attorneys assigned to handle the litigation of these cases are Joel Marcus and Austin Schlick.